

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:10-cr-00067-MR-WCM-1**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RYAN MITCHELL DSCHAK,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's letter, which the Court construes as a motion for sentencing credit for time spent in state custody. [Doc. 102].

The Defendant is currently serving a 17-month term of imprisonment on a supervised release violation. [See Doc. 86]. In his motion, the Defendant challenges the computation of his sentence credit by the Bureau of Prisons. [Doc. 102].

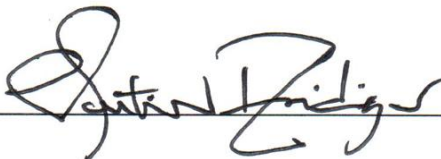
The Attorney General, not the sentencing court, is responsible for computing a prisoner's sentence credit. United States v. Wilson, 503 U.S. 329, 335 (1992). A prisoner seeking review of the computation of his sentence credit must first seek administrative review of that computation

through the Bureau of Prisoners. Only after such administrative remedies have been exhausted can a prisoner then seek judicial review of his sentence computation. Id. Further, because “[a] claim for credit against a sentence attacks the computation and execution of a sentence rather than the sentence itself,” United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989), such claims must be raised pursuant to 28 U.S.C. § 2241 in the district of confinement. In re Jones, 226 F.3d 328, 332 (4th Cir. 2000); United States v. Lowe, No. 1:15CR11-1, 2019 WL 3858603, at \*3 (M.D.N.C. Aug. 16, 2019).

Accordingly, the Defendant should address his inquiry regarding the status of his sentence to the Bureau of Prisons. Once his BOP administrative remedies have been exhausted, the Defendant may seek judicial review in the district of his confinement.

**IT IS, THEREFORE, ORDERED** that the Defendant’s letter, which the Court construes as a motion for sentencing credit for time spent in state custody [Doc. 102], is **DENIED**. Signed: October 22, 2020

**IT IS SO ORDERED.**

  
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Martin Reidinger  
Chief United States District Judge

